

**DRAWING AMENDMENTS**

Please replace Figs. 3 and 6 with attached Replacement Figs. 3 and 6.

**REMARKS**

Claims 16-25, 33 and 34 are currently pending in the application, as amended. New claims 33 and 34 have been inserted and are directed to subject matter that is similar to currently pending claim 16. Claim 33 further points out that a movable gate is positioned proximate an inner surface of a feed tube at a loading side of a feed cavity in an open position and is spaced from the inner surface in a compacting position. New claim 34 points out that the lid for a bowl of a food processor further includes a food pusher movable generally parallel to the feed axis within the feed tube. Support for new claims 33 and 34 can be found in originally filed claim 16, in specification paragraphs 33-37, 40, 43, 46, 50 and 52 and in Figs. 1, 3, 5 and 6. Therefore, no new matter has been added to the application as a result of the addition of new claims 33 and 34.

The specification has been amended to cancel reference numeral 76 in relation to a sub-feed cavity and replace reference numeral 76 with reference numeral 77 to identify the sub-feed cavity. Reference numeral 76 was previously utilized to identify both a bar related to a movable gate and the sub-feed cavity. Accordingly, the specification has been amended to cancel the association of the sub-feed cavity with reference numeral 76 and the sub-feed cavity is now exclusively identified by reference numeral 77 and reference numeral 76 is exclusively associated with the bar. This amendment merely corrects the double usage of reference numeral 76 to identify the sub-feed cavity and the bar by utilizing reference numeral 76 to identify the bar and reference numeral 77 to identify the sub-feed cavity and is formal in nature. Accordingly, no new matter has been added to the application as a result of this amendment to the specification.

The drawings have been amended to replace Figs. 3 and 6 with attached replacement Figs. 3 and 6. Reference numeral 77 is inserted in place of reference numeral 76 in Fig. 3 to identify the sub-feed cavity, in accordance with the above-described amendments to the specification. In addition, reference numeral 42b has been inserted into Figs. 3 and 6 to identify a convex side of a movable gate 42 in Figs. 3 and 6. Reference numeral 42b was inadvertently not included in the originally filed Figures, but was described in specification paragraph 47. Accordingly, the above-described amendments to the drawings are formal in nature and no new matter has been added to the application as a result of the amendments.

Based upon the above, no new matter has been added to the application as a result of the amendments to the claims, specification and drawings.

### **TELEPHONE INTERVIEW**

Examiner Jason Y. Pahng and the undersigned attorney conducted telephone interviews related to the currently pending Office Action and the claims of the present application on July 31 and August 1, 2006. During the July 31 interview, the Examiner and the undersigned attorney discussed U.S. Patent Number 755,431 (Austin) and the construction and operation of the meat grinder described in Austin. The Examiner and the undersigned attorney also discussed the relationship of Austin with respect to the pending claims of the application and the Examiner's rejections presented in the Office Action.

At the conclusion of the interview on July 31, Examiner Pahng indicated that the pending rejections would be withdrawn as the Examiner had misinterpreted the construction and operation of Austin. On August 1, 2006, the Examiner telephoned the undersigned attorney and indicated that the rejections would not be withdrawn and the Examiner and undersigned attorney further discussed the Austin reference, the rejections of the Office Action and the claims of the application. As a result of the interview on August 1, an agreement was not reached concerning Austin, the pending claims or the Examiner's rejections of the above-described Office Action. Below is a summary of the rejections presented in the above-described Office Action and a further development of the arguments presented to the Examiner in the July 31 and August 1 telephone interviews.

The undersigned attorney and the Applicants would like to thank the Examiner for the courtesies extended during the interviews.

### **CLAIM REJECTIONS**

The Examiner rejected claim 16 and 24 under 35 USC § 103(a) as being unpatentable over Austin in view of U.S. Patent No. 2,001,075 (Sundstrand). The Examiner argues that Austin discloses each and every element of currently pending claim 16 except for a feed tube that extends from a top lid wall. The Examiner further argues that Sundstrand discloses a food

processor with a feed tube extending from a top lid wall in order to engage a jar and it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Austin with a feed tube extending from a top lid wall in order to engage a jar, as taught by Sundstrand. Applicants respectfully traverse this rejection.

Referring to Figs. 1, 2, 5 and 6, Austin is directed to a meat grinder including a frame A having a feeding passage a, a forcing member B including forcing ribs or blades b, a first cutting-plate C fixed to the frame A at an outlet of the feeding passage a and a second cutting-plate D mounted to rotate with the forcing member B. The frame A includes a lower C-shaped frame portion with a screw a<sup>2</sup> mounted thereon to secure the frame A to an edge of a table. The frame A also includes a flaring inlet a' for feeding food into the feeding passage a and onto the forcing member B. The flaring inlet a' is flared outwardly to accept food therein and is orientated in a generally vertical manner such that gravity feeds the food into the feeding passage a. The second cutting-plate D is mounted to a terminal end of a shaft of the forcing member B proximate the first cutting-plate C at the outlet of the feeding passage a. The first and second cutting plates C, D include openings c', d' that form cutting edges c, d. The first cutting-plate C is fixed to the frame A by an arm c<sup>2</sup> that engages a socket a<sup>5</sup> of the frame (Fig. 4). The second or outer cutting-plate D includes an angular opening d<sup>2</sup> that is mounted to the driveshaft or extension b<sup>3</sup> of the forcing member B such that the second or outer cutting plate D rotates as the forcing member B rotates.

In operation, food, generally meat, is inserted into the flaring inlet a' and is urged by gravitational forces or forced by a user onto the forcing member B and into the feeding-passage a. A container is positioned on the table beneath the outlet of the feeding-passage a and the user drives the forcing member B by rotating the handle. The blades b urge the meat toward the cutting plates C, D along the feeding-passage a. The meat is initially squeezed through the openings c' in the first, stationary cutting-plate C and then into the openings d' of the second cutting-plate D. The cutting edges c, d of the first and second cutting plates C, D sever, cut and/or grind the meat as it is urged through the cutting plates C, D. The ground, severed, or cut meat falls from the outlet of the feeding-passage a into the container beneath the outlet of the feeding-passage a.

Referring to Figs. 1-4, Sundstrand is directed to a nut chopper that is adapted for mounting to a jar 5. The nut chopper includes a screw-on cap 8 with a top wall and a hopper 7

that extends generally perpendicularly from the top wall. A plate 17 is mounted across a bottom of the hopper 7 and includes grate bars 18 through which breaker prongs 19 of a rotary blade 20 extend. The plate 17 has a v-crotch or channel wherein nuts inserted into the hopper 7 congregate for chopping by the breaker prongs 19. Nuts are inserted into the hopper 17 and the rotary blade 20 is rotated using a hand crank such that the prongs 19 trap and chop the nuts in the v-crotch of the plate 17. The chopped nuts fall through the bars 18 into the attached jar 5. At the conclusion of chopping, the nut chopper may be removed from the jar 5 and a conventional lid may be screwed onto the jar 5 for storage purposes. Because the jar 5 is positioned in a vertical manner during the chopping process with its mouth at a top, the chopped nuts are maintained in the jar 5 when the nut chopper is removed from the mouth.

Referring to Figs. 1-6, the present application is directed to a lid 10 for a bowl of a food processor for processing a relatively large size or a large volume of foodstuff. The lid 10 includes a top lid wall 10a, a feed tube 12 extending from the top lid wall 10a along a feed axis 14 and a movable gate 42 positioned within a feed cavity 18 of the feed tube 12. The feed tube 12 includes a continuous inner feed surface 12a that defines the feed cavity 18. The movable gate 42 is pivotable about a hub 46 on a swivel axis 28. The movable gate 42 pivots within the feed cavity 18 between an open position and a compacting position. The swivel axis 28 is generally parallel to the feed axis 14. The movable gate 42 is generally positioned in the open position when food is loaded into the feed cavity 18 and consolidates or urges the food into a sub-feed cavity 77 as it moves towards or is in the compacting position. In the open position, the movable gate 42 is positioned proximate the inner feed surface 12a at a loading side 74 of the feed tube 12 and is spaced from the inner feed surface 12a at the loading side 74 in the compacting position. Consolidation of the food by the movable gate 42 in and near the compacting position improves processing of the food in the relatively large feed cavity 18.

Pending claim 16 of the present application is directed to a lid for a bowl of a food processor for processing a relatively large size or a large volume of foodstuff and recites, *inter alia*, as follows:

a top lid wall;

a feed tube extending from the top lid wall along a feed axis, the feed tube including a continuous inner feed surface that defines a feed cavity; and

a movable gate positioned within the feed cavity, the movable gate being pivotable about a hub on a swivel axis, the movable gate pivotable within the feed cavity between an open position and a compacting position, the swivel axis being generally parallel to the feed axis.

Applicants respectfully submit that one having ordinary skill in the art would not modify the meat grinder of Austin to include a top lid wall in order to engage a jar as is taught by Sundstrand and, therefore, would not modify Austin in a manner that would result in a device including each and every element of claim 16. Specifically, one having ordinary skill in the art would not modify Austin to include a top lid wall in order to engage a jar because the feeding passage of Austin is orientated in a generally horizontal orientation and even if Austin were modified to include the top lid wall to engage a jar, the jar would be horizontally oriented if modified as proposed by the Examiner. One having ordinary skill in the art would not make such a modification because at the conclusion of grinding, the ground or cut foods in the container would fall out of the container when the container is removed from the meat grinder and would also tend to clog the outlet of the feeding passage at the cutting-discs as the meat or other ground or cut food fills the horizontally oriented container. Accordingly, the proposed modification of adding a top lid wall to the outlet of the feeding passage of the meat grinder of Austin for engaging a jar would adversely impact the operation of the meat grinder and would undesirably spill food from the horizontally oriented container when the container was removed from the outlet of the feed passage and clog the cutting blades in the proposed design of the Examiner. One having ordinary skill in the art would realize that the addition of the top lid wall to the meat grinder of Austin for engaging a jar as proposed by the Examiner would only create a less desirable meat grinder. Specifically, one having ordinary skill in the art would realize that the method of capturing meat or cut foodstuff in a container resting on the table under the feeding passage outlet of Austin is superior to the modification proposed by the Examiner.

Applicants also respectfully submit that even if the meat grinder of Austin were modified to include a top lid wall for engaging a jar or container as is proposed by the Examiner, the modified device would not include each and every element of claim 16. Specifically, the modified meat grinder of Austin including the Examiner's proposed top lid wall would not include a movable gate pivotable within a feed cavity between an open position and a compacting position. The first and second cutting-discs of Austin are stationary and rotateable,

respectively, relative to the feed passage to cut, grind or otherwise process foods that are urged through the openings in the cutting-discs. The second cutting-disc is rotateable with the driveshaft of the forcing member and does not pivot within the feed cavity between an open position and a compacting position as is claimed in claim 16. The movable gate of the present application is pivotable about the hub on the swivel axis between the open position for loading foodstuff into the feed cavity and the compacting position for compacting foodstuff in the sub-feed cavity to consolidate the foodstuff for improved processing. The rotation of the second cutting-disc of Austin relative to the first or stationary cutting-disc of Austin is for cutting or grinding foods and is not a moveable gate that is pivotable within a feed cavity between an open position and a compacting position as is claimed in claim 16.

Based upon the above-listed arguments, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claim 16 based upon unpatentability over a combination of the meat grinder of Austin in view of the nut chopper of Sundstrand.

Claim 24 is dependent upon claim 16. Based upon the above-presented arguments, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claim 24 based at least upon its dependence upon claim 16.

#### **NEW CLAIMS 33 AND 34**

New claims 33 and 34 include a majority of the claimed subject matter of claim 16 and are considered patentable over Austin and Sundstrand for at least the above-described reasons directed to claim 16. In addition, claim 33 includes a feature that the movable gate is positioned proximate an inner surface of the feed tube at a loading side of the feed cavity in the open position and is spaced from the inner feed surface at the loading side in the compacting position. Further, claim 34 includes a food pusher being movable generally parallel to the feed axis within the feed tube. Applicants respectfully submit that Austin, Sundstrand, any of the other references currently cited in the present application and any combination of these references would not teach, suggest or disclose each and every element of currently pending claims 33 and 34. Therefore, Applicants respectfully submit that new claims 33 and 34 are patentable over the references currently of record in the application.

**CONCLUSION**

In view of the foregoing Amendment and remarks, Applicants respectfully submit that the present application, including claims 16-25, 33 and 34, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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(Date)

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